

UNITED STATES OF AMERICA)
vs.) **Criminal Action No. 10-00222-KD-M**
JOHN FREDERICK HEMPFLENG III,)
Defendant.)

When considering pre-trial detention, the Court must decide whether there are conditions of release that will reasonably assure the appearance of the defendant and protect the safety of any other person or the community. See 18 U.S.C. § 3142(e). Factors relevant to this inquiry are: (1) the nature and circumstances of the offense(s), including whether the offense(s) are a crime of violence or involve a narcotic drug, (2) the weight of the evidence, (2) the history and characteristics of the defendant and (4) the nature and seriousness of the danger posed by the defendant's release. See 18 U.S.C. § 3142(g).

The Court has conducted a *de novo* review of the evidence presented. The evidence indicates that Hempfleng has a criminal history which includes domestic violence against his wife, disorderly conduct, and menacing with a knife. He also has a previous drug charge which was resolved through pretrial diversion. Additionally, testimony was presented that Hempfleng made a recent threat to a law enforcement officer during transportation to court (the officer is also the same officer involved in the undercover operation). Based on this evidence, the undersigned concurs in the Magistrate Judge's finding that the presumption has not been rebutted. The decision to grant the United States' motion to detain is **affirmed**.

DONE this 6th day of October, 2010.

s/ Kristi K. DuBose
KRISTI K. DuBOSE
UNITED STATES DISTRICT JUDGE